

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:)	
)	
ITT EDUCATIONAL SERVICES, INC., <i>et al.</i> ¹)	Case No. 16-07207-JMC-7A
)	
Debtors.)	Jointly Administered
_____)	
)	
DEBORAH J. CARUSO, the CHAPTER 7)	
TRUSTEE for ITT EDUCATIONAL)	
SERVICES, INC., ESI SERVICE CORP. and)	
DANIEL WEBSTER COLLEGE, INC.,)	
)	
Plaintiff,)	Adversary No. 18-50100
)	
vs.)	
)	
KEVIN MODANY, JOHN E. DEAN, C. DAVID)	
BROWN II, JOANNA T. LAU, THOMAS I.)	
MORGAN, JOHN VINCENT WEBER, JOHN F.)	
COZZI, SAMUEL L. ODLE, and JERRY M.)	
COHEN,)	
)	
Defendants.)	

**NOTICE OF INITIAL EXTENSION OF TIME TO RESPOND TO
DEFENDANT KEVIN MODANY'S MOTION TO DISMISS COMPLAINT**

Come now Deborah J. Caruso, the Chapter 7 Trustee for ITT Educational Services Inc., ESI Service Corp. and Daniel Webster College, Inc. ("the Trustee"), by counsel, and pursuant to S.D. Ind. B. 7006-1 hereby notice the Court and parties as follows:

1. On August 24, 2018 counsel for Defendant Kevin Modany ("Modany") filed a Motion to Dismiss the Adversary Complaint ("Motion to Dismiss").
2. The original due date for the Trustee's response to the Motion to Dismiss is September 21, 2018.

¹ The debtors in these cases, along with the last four digits of their respective federal tax identification numbers are ITT Educational Services, Inc. [1311]; ESI Service Corp. [2117]; and Daniel Webster College, Inc. [5980].

3. The Trustee requests an initial fourteen (14) day extension of time within which to file a response to the Motion to Dismiss.

4. Counsel for Modany does not object to the requested extension.

5. The due date for the Trustee's response to Modany's Motion to Dismiss is thereby extended to and including October 5, 2018.

Respectfully submitted,

/s/ Ronald J. Schutz

Ronald J. Schutz

Ronald J. Schutz (admitted *pro hac vice*)
Carly A. Kessler (admitted *pro hac vice*)
ROBINS KAPLAN LLP
399 Park Avenue, Suite 3600
New York NY 10022
Telephone: (212) 980-7400
Facsimile: (212) 980-7499

/s/ John C. Hoard

John C. Hoard

John C. Hoard (Atty. No. 8024-49)
RUBIN & LEVIN, P.C.
135 N. Pennsylvania Street, Suite 1400
Indianapolis, IN 46204
Telephone: (317) 634-0300
Facsimile: (317) 263-9411

Co-counsel to the Trustee

-and-

Michael A. Collyard (admitted *pro hac vice*)
Richard B. Allyn (admitted *pro hac vice*)
Thomas F. Berndt (admitted *pro hac vice*)
ROBINS KAPLAN LLP
800 LaSalle Avenue, Suite 2800
Minneapolis, MN 55402
Telephone: (612) 349-8500
Facsimile: (612) 339-4181

Co-counsel to the Trustee

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2018, a copy of the foregoing *Notice of Initial Extension of Time to Respond to Defendant Kevin Modany's Motion to Dismiss Complaint* was filed electronically. Notice of this filing will be sent to the following party/parties through the Court's Electronic Filing System. Party/parties may access this filing through the Court's system.

Richard Allyn rallyn@robinskaplan.com
Thomas Berndt tberndt@robinskaplan.com, jgerboth@robinskaplan.com
John Cannizzaro john.cannizzaro@icemiller.com, Deborah.Martin@icemiller.com
Michael Anthony Collyard mcollyard@robinskaplan.com, rhoule@robinskaplan.com
Elaine Victoria Fenna elaine.fenna@morganlewis.com
John C Goodchild john.goodchild@morganlewis.com
Gregory Forrest Hahn ghahn@boselaw.com, jmcneeley@boselaw.com
John C. Hoard johnh@rubin-levin.net, jkrichbaum@rubin-levin.net;atty_jch@trustesolutions.com;sturpin@rubin-levin.net
Jeffrey A Hokanson jeff.hokanson@icemiller.com, Kathy.peed@icemiller.com
Carly Kessler ckessler@robinskaplan.com
Vilda Samuel Laurin slaurin@boselaw.com
Rachel Jaffe Mauceri rachel.mauceri@morganlewis.com
James P Moloy jmoloy@boselaw.com,
dlingenfelter@boselaw.com;mwakefield@boselaw.com
Ronald James Schutz rschutz@robinskaplan.com
U.S. Trustee ustpregion10.in.ecf@usdoj.gov
Paul D. Vink pvink@boselaw.com, clindsey@boselaw.com
Philip A. Whistler philip.whistler@icemiller.com, carla.persons@icemiller.com

I further certify that on the September 11, 2018, a copy of the foregoing *Notice of Initial Extension of Time to Respond to Defendant Kevin Modany's Motion to Dismiss Complaint* was mailed by first-class United States mail, postage prepaid, and properly addressed to the following:

None.

/s/ John C. Hoard

John C. Hoard